

NATIONAL NON- GOVERNMENTAL ORGANISATION POLICY

*PRESENTATION MADE DURING THE NATIONAL LAUNCH OF THE
NATIONAL SOCIAL WELFARE AND THE NATIONAL NON-
GOVERNMENTAL ORGANISATION POLICIES AT BICC ON 3RD MAY 2019*

Outline

Introduction (*Historical Context & Problem Statement*)

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INTRODUCTION

Historical context

- In trying to create an environment conducive for working relationship between Government and NGOs, a Government-Working committee was established in 1981. In 1982, NGOs resolved to have one office that would deal with Government-NGO coordination, relations.
 - Eventually, this led to the establishment of Council for Social Welfare Services in Malawi in 1985 to strengthen the delivery of social welfare services by social welfare organizations.
 - However, when Malawi adopted the multi-party democracy in 1993 the country witnessed the mushrooming of NGOs working in different sectors including human rights, democracy and good governance. By 1994, the number of NGOs registered in the country was 87.
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Historical context Cont...

- The sudden increase in the number of NGOs and the need to address the legal recourse for NGOs necessitated the drafting and passing of the NGO Bill into Law in 2001 to enhance NGOs' contribution to the economy and regulate their operations.
 - Under this Act, the NGO Board of Malawi was formed to register and regulate the activities of the NGOs. Further, the NGO Act (2001) gave Council for Non-Governmental Organizations in Malawi (CONGOMA), which was established in 1992, the role to coordinate NGOs in the country.
 - Since enactment of the law, NGOs have been operating in Malawi without a policy thereby resulting into weak coordination and regulation of the NGO Sector.
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Problem statement

The Situation Analysis of NGOs in Malawi (2016) observed the following key issues:

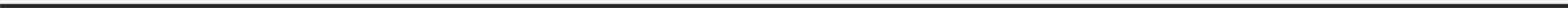
- **Accountability:** Some NGOs lack accountability to local regulatory organizations particularly the NGO Board especially on audit requirements and annual returns
 - **Legal Framework:** there are inconsistencies between the NGO Act (2001) and the Constitution. Section 20, subsection 3 of NGO Act (2001)
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Problem statement Cont...

- **Weak coordination:** Some NGOs still work in silos which result into duplication of efforts and lack of information sharing amongst key stakeholders in the sector;
 - **Capacity:** Some NGOs within the sector have limited technical and organizational capacity to effectively deliver their roles and responsibilities.
 - **Documentation:** poor documentation on the interventions being implemented under the NGO Sector stifled replication of best practices brought in by the Sector into the country.
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BROAD POLICY

DIRECTIONS



Broad policy directions

- **Policy Goal:** To fortify the relationship between the NGO Sector and Government, and enhance capacities and effectiveness in the areas of regulation, coordination, service delivery, advocacy and community empowerment.
 - **Policy Outcomes**
 1. Strengthened integrity, accountability, transparency and responsiveness amongst NGOs sector players;
 2. Improved coordination and availability of a strong and efficient mechanism for effective monitoring and assessing the impact of the NGO sector in national development.
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Broad policy directions – cont....

- **Policy Objectives**

1. To create an enabling legal and institutional framework for protection and participation of stakeholders in the NGO Sector;
 2. To strengthen mechanisms for collaborative relationship between NGOs, the government, funding agencies and other stakeholders;
 3. To improve transparency and accountability of NGOs within the NGO Sector; and
 4. To strengthen the capacity of relevant stakeholders in the NGO Sector
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Guiding Principles

The following key principles and values shall guide the operationalization of the Policy:

- Respect for fundamental human rights and freedoms with regard to social, cultural and religious beliefs and practices, which rights will be exercised responsibly;
 - Freedom of association and independence of individuals and NGOs within the overall framework of the law;
 - Gender equity and equality, inclusion, voluntarism, and respect for diversity within the NGO Sector in accordance with the laws of Malawi;
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Guiding Principles Cont...

- The right of the NGOs to autonomy, self-governance and regulation consistent with the applicable laws of Malawi;
- Dignity, mutual respect and trust underpinned by open dialogue, transparency and accountability;
- Informed public participation in development and alignment of activities to the National Development Agenda; and
- Fostering sustainability of interventions through capacity building, networking and partnerships;

POLICY PRIORITY AREAS

1. Regulation of NGOs

- **Policy Statement:** The policy will ensure that there is effective regulation of NGOs and enhanced enforcement of the law within the NGO Sector.
 - **Strategies**
 - i. Reviewing the NGO Act (2001);
 - ii. Developing regulations and guidelines for operation of NGOs;
 - iii. Facilitating enforcement and dissemination of the Act, regulations and guidelines;
 - iv. Facilitating the development and enforcement of by-laws on NGOs at Local Council level;
 - v. Enhancing the capacity of NGO Board to regulate all NGOs in Malawi.
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2. Coordination, Partnerships and Networking

- **Policy Statement:** The policy will ensure that there is strong coordination, partnerships and networks among NGOs and harmonized strategies for implementation and resourcing of programmes at community level.
 - **Strategies**
 - i. Developing and enforcing regulations on partnership between LNGOs and INGOs;
 - ii. Establishing and strengthening Civil Society Networks at all levels;
 - iii. Facilitating the establishment and implementation of MOUs between Local councils and NGOs when registering at district levels;
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Coordination, Partnerships and Networking

Strategies (cont..)

- iv. Designing and implementing strategies for NGOs to be fairly distributed throughout the country;
 - v. Conducting and disseminating the findings of geo-mapping exercises that show equitable spatial distribution of NGOs in the country
 - vi. Developing and enforcing measures that shall ensure that NGOs confine themselves to goals that were set in their constitution
 - vii. Developing and implementing harmonized incentive guidelines that will not jeopardize other development initiatives
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3. Accountability and Transparency

- **Policy statements:** The policy will ensure that NGOs are transparent and accountable in their operations.
 - **Strategies**
 - i. Amending the NGO Act 2001 to transform the NGO Board into a Regulatory Authority;
 - ii. Enhancing integrity through creating awareness on , transparency and accountability in the NGO Sector in accordance with the NGO Act;
 - iii. Strengthening mechanisms for reporting progress and finances at all levels as provided for in the NGO Law;
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Accountability and Transparency Cont...

Strategies: Cont...

- i. Enhancing the mandate of the NGO Board to prosecute cases involving non compliant NGOs
 - ii. Developing and implementing integrity check guidelines for the smooth operations of NGOs;
 - iii. Promoting citizen participation to enable beneficiaries hold duty bearers including NGOs accountable at all levels; and
 - iv. Enhancing collaboration among relevant institutions to check fraudulent activities within the NGO sector
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4. Governance and Ownership in NGOs

- **Policy Statement:** The policy will ensure that the NGOs' governance structures are strengthened in order to reduce challenges associated with governance and ownership
- **Strategies**
 - i. Developing and implementing standards for governance structures of NGOs;
 - ii. Sensitizing NGOs on the importance of recruiting qualified personnel to hold key positions;
 - iii. Promoting adherence to Gender Equality Act on recruitment, appointment and promotion of office bearers in NGOs' management structures; and
 - iv. Providing security services to all NGO employees.

5. Sustainability of NGO Programmes

- **Policy Statement:** The policy shall ensure that mechanisms that promote sustainability of NGO programmes are developed and implemented.
 - **Strategies**
 - i. Increasing the participation of communities in local structures;
 - ii. Building the capacity of local councils including local structures to manage NGOs at local level;
 - iii. Developing and implementing guidelines on proper handover of NGO programmes and assets;
 - iv. Developing a framework for agreements between local councils and NGOs to govern development work at grassroots;
 - v. Promoting sharing of information and funding opportunities in the NGO Sector;
 - vi. Promoting effective alignment of NGO work to National Development Strategy.
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IMPLEMENTATION ARRANGEMENT

Implementation arrangement

The implementation of the NGO Policy will be the responsibility of all stakeholders involved in NGO work. Steering Committees and Technical Committees will be set up to check the implementation of the NGO Policy



IMPLEMENTATION ARRANGEMENT

- **Implementation Plan:** The effective implementation of the NGO policy will be streamlined through a five year plan which is part of the policy document. The implementation plan will be subjected to review after five years of implementation.
 - **Monitoring and Evaluation:** Monitoring and evaluation plan has been developed to improve collection, storage and dissemination of data on NGO Operations and measure progress.
 - The Policy will be evaluated twice. Midterm evaluation will be conducted after three years whilst post-implementation evaluation will be carried out after implementation period of the Policy.
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THANK YOU